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12 Attorneys for Defendants
13 TIMOTHY ALLEN & ROBERT ROBERTS
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AUKUSITINO AFAMASAGA, JR.,

Plaintiff

v.

OFFICER TIMOTHY ALLEN; OFFICER
ROBERT ROBERTS, and CONTRA
COSTA COUNTY SHERIFF'S
DEPARTMENT,

Defendants.

Case No. C04 4779 WHA (PR)

STIPULATION AND [PROPOSED] ORDER
OF DISMISSAL

STIPULATION

IT IS HEREBY STIPULATED by and between plaintiff Aukusitino Afamasaga, Jr., *in pro per*, and defendants Timothy Allen and Robert Roberts, through their attorney Monika L. Cooper, Deputy County Counsel, that the above-captioned action is dismissed with prejudice in its entirety pursuant to Fed. R. Civ. P. 41(a)(1). The parties are responsible for their own costs and attorneys fees.

Dated: May 3, 2008

By 
Aukusitino Afamasaga, Jr.
Plaintiff, *in pro per*

1 Dated: May 5, 2008

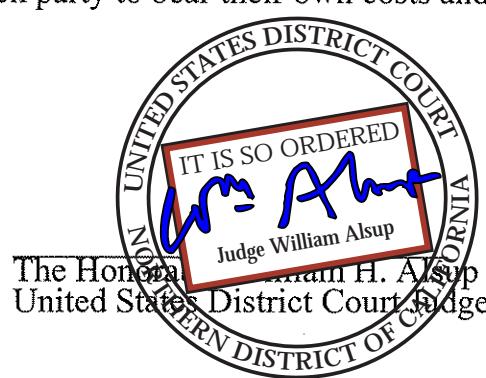
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4 SILVANO B. MARCHESI, County Counsel

5 By: Monika L. Cooper
6 MONIKA L. COOPER
7 Deputy County Counsel
8 Attorneys for Defendants
9 Timothy Allen and Robert Roberts

10 ORDER

11 GOOD CAUSE APPEARING THEREFORE, the above-captioned action is hereby
12 dismissed with prejudice in its entirety, with each party to bear their own costs and attorneys
13 fees.

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15 DATED: May 20, 2008



PROOF OF SERVICE

(Code Civ. Proc., §§ 1012, 1013a, 2015.5; Fed. Rules Civ. Proc., rule 5(b).)

Re: Aukusitino Afamasaga, Jr. v. Timothy Allen & Robert Roberts
U.S. District Court, California Northern District (San Francisco)
C04-04779 WHA (PR)

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Office of the County Counsel, 651 Pine Street, 9th Floor, Martinez, CA 94553-1229. On May 16, 2008, I served the following document(s) by the method indicated below.

1. STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

By transmitting via facsimile on this date from fax number (925) 335-1866 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct. 2003(3).

By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Martinez, California addressed as set forth below. I am readily familiar with Office of County Counsel's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

By placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.

By personally delivering the document(s) listed above to the person(s) and at the addresses listed below.



By placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.

Aukusitino Afamasaga, Jr.
F-83176
Salinas Valley State Prison
PO Box 1020
Soledad, CA 93960

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct. Executed on May 16, 2008, at Martinez, California.



Kathy O'Connell

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